

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID WRIGHT,)	1:02-cv-05735-AWI-TAG HC
)	
Petitioner,)	ORDER ADOPTING REPORT AND
)	RECOMMENDATION
)	(Doc. 15)
v.)	
)	ORDER DISMISSING PETITION FOR WRIT
)	OF HABEAS CORPUS
J. T. O'BRIEN,)	(Doc. 1)
)	
Respondent.)	ORDER DIRECTING CLERK OF COURT TO
)	ENTER JUDGMENT

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On January 6, 2006, the Magistrate Judge assigned to the case filed a Report and Recommendation recommending that the petition for writ of habeas corpus be DENIED on the merits. (Doc. 15). The Report and Recommendation was served on all parties and contained notice that any objections were to be filed within thirty days from the date of service of that order. On January 25, 2006, Petitioner filed objections to the Magistrate Judge's Report and Recommendation. (Doc. 17). On February 6, 2006, Respondent filed a Reply to Petitioner's objections. (Doc. 18).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including Petitioner's objections,

1 the Court concludes that the Magistrate Judge's Report and Recommendation is supported by the
2 record and proper analysis. Petitioner's objections present no grounds for questioning the Magistrate
3 Judge's analysis. As explained by the Magistrate Judge, Petitioner was given credit by either the
4 State of Oregon or United States for all time in custody. Pursuant to 18 U.S.C. 3585(b) "A defendant
5 shall be given credit toward the service of a term of imprisonment for any time he has spent in
6 official detention prior to the date the sentence commences . . . **that has not been credited against**
7 **another sentence.**" 18 U.S.C § 3585(b) (emphasis added). Accordingly, IT IS HEREBY
8 ORDERED that:

- 9 1. The Report and Recommendation issued January 6, 2006 (Doc. 15), is ADOPTED IN
10 FULL;
- 11 2. The petition for writ of habeas corpus (Doc. 1) is DENIED; and
- 12 3. The Clerk of Court is DIRECTED to ENTER JUDGMENT for Respondent and close the
13 file.

14 This order terminates the action in its entirety.

15
16 IT IS SO ORDERED.

17 **Dated: October 12, 2006**
18 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE